

REMARKS

In the Office Action mailed April 27, 2007 from the United States Patent and Trademark Office, the Examiner rejected claims 1, 9-10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,854,460 to Josephs (hereinafter "Josephs") in view of U.S. Patent No. 2,086,688 to Woodruff (hereinafter "Woodruff"). Accordingly, Applicant respectfully provides the following:

Claim 1 is amended.

M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when making an obviousness rejection under Section 103: "Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved." (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) Additionally, one helpful standard for a Section 103 rejection is set forth in M.P.E.P. 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Applicant respectfully submits that the references cited by the Examiner, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein. Therefore, the scope and content of the cited references is limited, and the claims are clearly different from the cited references.

Independent claim 1, as amended, requires:

A rectangular, refrigerated freight container having length width and height dimensions of a standard size, a roof, a floor, walls, a door frame and two doors at one end, the doors being of the same height but with substantially different width dimensions and extending to the floor of the container, the smaller door having locks which can only be operated from inside the container, wherein the larger door has an internal door release mechanism with a release knob accessible from inside the container that acts on an external door release mechanism, and wherein a security bar can be locked between the two doors to prevent operation of the external door release mechanism, and wherein a part of the door frame itself forms the bottom of the container such that the frame will be in contact with the ground when the container is set down.

The limitations of this claim are not taught by the combination of the cited references. In the Office Action, the Examiner identifies the bar 152 of Josephs as corresponding to the claimed internal door release mechanism. Applicant respectfully disagrees that the bar 152 of Josephs functions as an internal door release mechanism, and has amended claim 1 to further make clear the novel differences between the claimed invention and Josephs.

As described in the Applicant's specification, the larger door has an internal door release mechanism so that if the door is shut with someone inside the container, they will be able to open the door to release themselves. (Page 5 lines 4-7) Claim 1 has been amended to further highlight the novel features of the internal door release mechanism such that the larger door has an internal door release mechanism with a release knob accessible from inside the container that acts on an external door release mechanism. The amendment is supported by the application as filed at page 8 lines 14-24. The bar 152 of Josephs clearly does not teach these features of the claim.

Furthermore, Applicant respectfully submits that the bar 152 of Josephs is not provided to act as an internal door release mechanism, and that it is doubtful that the bar 152 could be used by someone shut in the portable container to open the container from the inside. As may be seen from Figures 9 and 11 of Josephs, the bar 152 is attached to an external handle 132 and to vertical lock bars 134. Someone inside the container could attempt to grasp the transverse bar

152 and turn it to unlock the door. However, it is clear that this is not the intention of Josephs, and it is likely that the attempt would not succeed as the hypothetical person inside the container would be unable to exert sufficient leverage in the correct direction on the short bar 152 to disengage the vertical lock bars 134. Furthermore, even if a release action is possible by grasping the bar 152 of Josephs, the bar 152 of Josephs clearly does not have a release knob as is required by claim 1.

Woodruff fails to teach any type of internal door release mechanism, and therefore fails to add any significance to Josephs as it relates to the claim limitation discussed above. Therefore, the combination of Josephs with Woodruff fails to teach the discussed claim limitation.

For at least these reasons, Applicant respectfully submits that claim 1, as amended, is not made obvious by the cited of references, either alone or in combination. Claims 9-10 and 12 depend from claim 1 and are allowable for at least the same reasons. Applicant therefore respectfully requests removal of all rejections under 35 U.S.C. § 103(a) and prompt allowance of the application.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,



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